

112TH CONGRESS
2D SESSION

H. R. 5743

AN ACT

To authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Intelligence Authorization Act for Fiscal Year 2013”.

4 (b) TABLE OF CONTENTS.—The table of contents for
 5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
 DISABILITY SYSTEM**

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Non-reimbursable details.

Sec. 304. Strategy for security clearance reciprocity.

Sec. 305. Repeal or modification of certain reporting requirements.

Sec. 306. Subcontractor notification process.

Sec. 307. Report on consequences of military strike against Iran.

Sec. 308. Sense of Congress on the consideration of foreign languages and cul-
 tures in the development of cyber tools by the intelligence com-
 munity.

**TITLE IV—MATTERS RELATING TO ELEMENTS OF THE
 INTELLIGENCE COMMUNITY**

Sec. 401. Authorities of the Inspector General for the Central Intelligence
 Agency.

Sec. 402. Intelligence community assistance to counter drug trafficking organi-
 zations using public lands.

Sec. 403. Intelligence sharing with Mexico and Canada.

Sec. 404. Civil liberties protection officer review of cybersecurity policies, pro-
 grams, and activities.

Sec. 405. Sense of Congress on hiring of minority employees by the Central In-
 telligence Agency.

TITLE V—OTHER MATTERS

Sec. 501. Extension of National Commission for the Review of the Research
 and Development Programs of the United States Intelligence
 Community.

Sec. 502. Sense of Congress on the need for the intelligence community to protect civil liberties of religious and ethnic minorities.

Sec. 503. Protecting the information technology supply chain of the United States.

Sec. 504. Technical amendment to title 5, United States Code.

Sec. 505. Technical amendment to the National Security Act of 1947.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
4 TEES.—The term “congressional intelligence com-
5 mittees” means—

6 (A) the Select Committee on Intelligence of
7 the Senate; and

8 (B) the Permanent Select Committee on
9 Intelligence of the House of Representatives.

10 (2) INTELLIGENCE COMMUNITY.—The term
11 “intelligence community” has the meaning given
12 that term in section 3(4) of the National Security
13 Act of 1947 (50 U.S.C. 401a(4)).

14 **TITLE I—INTELLIGENCE** 15 **ACTIVITIES**

16 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2013 for the conduct of the intelligence and
19 intelligence-related activities of the following elements of
20 the United States Government:

21 (1) The Office of the Director of National Intel-
22 ligence.

1 (2) The Central Intelligence Agency.

2 (3) The Department of Defense.

3 (4) The Defense Intelligence Agency.

4 (5) The National Security Agency.

5 (6) The Department of the Army, the Depart-
6 ment of the Navy, and the Department of the Air
7 Force.

8 (7) The Coast Guard.

9 (8) The Department of State.

10 (9) The Department of the Treasury.

11 (10) The Department of Energy.

12 (11) The Department of Justice.

13 (12) The Federal Bureau of Investigation.

14 (13) The Drug Enforcement Administration.

15 (14) The National Reconnaissance Office.

16 (15) The National Geospatial-Intelligence Agen-
17 cy.

18 (16) The Department of Homeland Security.

19 **SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

20 (a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL

21 LEVELS.—The amounts authorized to be appropriated
22 under section 101 and, subject to section 103, the author-
23 ized personnel ceilings as of September 30, 2013, for the
24 conduct of the intelligence activities of the elements listed
25 in paragraphs (1) through (16) of section 101, are those

1 specified in the classified Schedule of Authorizations pre-
2 pared to accompany the bill H.R. 5743 of the One Hun-
3 dred Twelfth Congress.

4 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
5 THORIZATIONS.—

6 (1) AVAILABILITY TO COMMITTEES OF CON-
7 GRESS.—The classified Schedule of Authorizations
8 referred to in subsection (a) shall be made available
9 to the Committee on Appropriations of the Senate,
10 the Committee on Appropriations of the House of
11 Representatives, and to the President.

12 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
13 ject to paragraph (3), the President shall provide for
14 suitable distribution of the classified Schedule of Au-
15 thorizations, or of appropriate portions of the Sched-
16 ule, within the executive branch.

17 (3) LIMITS ON DISCLOSURE.—In carrying out
18 paragraph (2), the President may disclose only that
19 budget-related information necessary to execute the
20 classified Schedule of Authorizations and shall not
21 disclose the Schedule or any portion of the Schedule
22 publicly.

23 **SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

24 (a) AUTHORITY FOR INCREASES.—With the approval
25 of the Director of the Office of Management and Budget,

1 the Director of National Intelligence may authorize em-
2 ployment of civilian personnel in excess of the number au-
3 thorized for fiscal year 2013 by the classified Schedule of
4 Authorizations referred to in section 102(a) if the Director
5 of National Intelligence determines that such action is
6 necessary to the performance of important intelligence
7 functions, except that the number of personnel employed
8 in excess of the number authorized under such section may
9 not, for any element of the intelligence community, exceed
10 3 percent of the number of civilian personnel authorized
11 under such Schedule for such element.

12 (b) AUTHORITY FOR CONVERSION OF ACTIVITIES
13 PERFORMED BY CONTRACT PERSONNEL.—

14 (1) IN GENERAL.—In addition to the authority
15 in subsection (a) and subject to paragraph (2), if the
16 head of an element of the intelligence community
17 makes a determination that activities currently being
18 performed by contract personnel should be per-
19 formed by employees of such element, the Director
20 of National Intelligence, in order to reduce a com-
21 parable number of contract personnel, may authorize
22 for that purpose employment of additional full-time
23 equivalent personnel in such element equal to the
24 number of full-time equivalent contract personnel
25 performing such activities.

1 (2) CONCURRENCE AND APPROVAL.—The au-
2 thority described in paragraph (1) may not be exer-
3 cised unless the Director of National Intelligence
4 concurs with the determination described in such
5 paragraph.

6 (c) NOTICE TO CONGRESSIONAL INTELLIGENCE
7 COMMITTEES.—The Director of National Intelligence
8 shall notify the congressional intelligence committees in
9 writing at least 15 days prior to each exercise of an au-
10 thority described in subsection (a).

11 **SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
12 **COUNT.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated for the Intelligence Commu-
15 nity Management Account of the Director of National In-
16 telligence for fiscal year 2013 the sum of \$530,652,000.
17 Within such amount, funds identified in the classified
18 Schedule of Authorizations referred to in section 102(a)
19 for advanced research and development shall remain avail-
20 able until September 30, 2014.

21 (b) AUTHORIZED PERSONNEL LEVELS.—The ele-
22 ments within the Intelligence Community Management
23 Account of the Director of National Intelligence are au-
24 thorized 831 full-time or full-time equivalent personnel as
25 of September 30, 2013. Personnel serving in such ele-

1 ments may be permanent employees of the Office of the
2 Director of National Intelligence or personnel detailed
3 from other elements of the United States Government.

4 (c) CLASSIFIED AUTHORIZATIONS.—

5 (1) AUTHORIZATION OF APPROPRIATIONS.—In
6 addition to amounts authorized to be appropriated
7 for the Intelligence Community Management Ac-
8 count by subsection (a), there are authorized to be
9 appropriated for the Community Management Ac-
10 count for fiscal year 2013 such additional amounts
11 as are specified in the classified Schedule of Author-
12 izations referred to in section 102(a). Such addi-
13 tional amounts for advanced research and develop-
14 ment shall remain available until September 30,
15 2014.

16 (2) AUTHORIZATION OF PERSONNEL.—In addi-
17 tion to the personnel authorized by subsection (b)
18 for elements of the Intelligence Community Manage-
19 ment Account as of September 30, 2013, there are
20 authorized such additional personnel for the Com-
21 munity Management Account as of that date as are
22 specified in the classified Schedule of Authorizations
23 referred to in section 102(a).

1 **TITLE II—CENTRAL INTEL-**
2 **LIGENCE AGENCY RETIRE-**
3 **MENT AND DISABILITY SYS-**
4 **TEM**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated for the Cen-
7 tral Intelligence Agency Retirement and Disability Fund
8 for fiscal year 2013 the sum of \$514,000,000.

9 **TITLE III—GENERAL**
10 **PROVISIONS**

11 **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND**
12 **BENEFITS AUTHORIZED BY LAW.**

13 Appropriations authorized by this Act for salary, pay,
14 retirement, and other benefits for Federal employees may
15 be increased by such additional or supplemental amounts
16 as may be necessary for increases in such compensation
17 or benefits authorized by law.

18 **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE**
19 **ACTIVITIES.**

20 The authorization of appropriations by this Act shall
21 not be deemed to constitute authority for the conduct of
22 any intelligence activity which is not otherwise authorized
23 by the Constitution or the laws of the United States.

1 **SEC. 303. NON-REIMBURSABLE DETAILS.**

2 Section 113A of the National Security Act of 1947
3 (50 U.S.C. 404h–1) is amended—

4 (1) by striking “An officer or employee of the
5 United States or member of the Armed Forces” and
6 inserting “(a) CIVILIAN EMPLOYEES.—An officer or
7 employee of the United States”;

8 (2) by striking the second sentence; and

9 (3) by adding at the end the following new sub-
10 sections:

11 “(b) MEMBERS OF THE ARMED FORCES.—A member
12 of the Armed Forces may be detailed to the staff of an
13 element of the intelligence community funded through the
14 National Intelligence Program on a non-reimbursable
15 basis, as jointly agreed to by the head of the receiving
16 and detailing elements, for a period not to exceed three
17 years.

18 “(c) NO LIMITATION ON OTHER AUTHORITY.—This
19 section does not limit any other source of authority for
20 or non-reimbursable details.

21 “(d) NO EFFECT ON APPROPRIATIONS.—A non-reim-
22 bursable detail made under this section shall not be con-
23 sidered an augmentation of the appropriations of the ele-
24 ment of the intelligence community receiving such detail.”.

1 **SEC. 304. STRATEGY FOR SECURITY CLEARANCE RECI-**
2 **PROCITY.**

3 (a) STRATEGY.—The President shall develop a strat-
4 egy and a timeline for carrying out the requirements of
5 section 3001(d) of the Intelligence Reform and Terrorism
6 Prevention Act of 2004 (50 U.S.C. 435b(d)). Such strat-
7 egy and timeline shall include—

8 (1) a process for accomplishing the reciprocity
9 required under such section for a security clearance
10 issued by a department or agency of the Federal
11 Government, including reciprocity for security clear-
12 ances that are issued to both persons who are and
13 who are not employees of the Federal Government;
14 and

15 (2) a description of the specific circumstances
16 under which a department or agency of the Federal
17 Government may not recognize a security clearance
18 issued by another department or agency of the Fed-
19 eral Government.

20 (b) CONGRESSIONAL NOTIFICATION.—Not later than
21 180 days after the date of the enactment of this Act, the
22 President shall inform Congress of the strategy and
23 timeline developed under subsection (a).

24 **SEC. 305. REPEAL OR MODIFICATION OF CERTAIN REPORT-**
25 **ING REQUIREMENTS.**

26 (a) REPEAL OF REPORTING REQUIREMENTS.—

1 (1) ACQUISITION OF TECHNOLOGY RELATING
2 TO WEAPONS OF MASS DESTRUCTION AND AD-
3 VANCED CONVENTIONAL MUNITIONS.—Section 721
4 of the Intelligence Authorization Act for Fiscal Year
5 1997 (50 U.S.C. 2366) is repealed.

6 (2) THREAT OF ATTACK ON THE UNITED
7 STATES USING WEAPONS OF MASS DESTRUCTION
8 AND THE SAFETY AND SECURITY OF RUSSIAN NU-
9 CLEAR FACILITIES AND NUCLEAR MILITARY
10 FORCES.—Section 114 of the National Security Act
11 of 1947 (50 U.S.C. 404i) is amended—

12 (A) in the heading, by striking “ADDI-
13 TIONAL ANNUAL REPORTS FROM THE DIRECTOR
14 OF NATIONAL INTELLIGENCE” and inserting
15 “ANNUAL REPORT ON HIRING AND RETENTION
16 OF MINORITY EMPLOYEES”;

17 (B) by striking subsections (a), (c), and
18 (d);

19 (C) by striking “(b) ANNUAL REPORT ON
20 HIRING AND RETENTION OF MINORITY EM-
21 PLOYEES.—”;

22 (D) by redesignating paragraphs (1)
23 through (5) as subsections (a) through (e), re-
24 spectively;

1 (E) in subsection (b) (as so redesign-
 2 nated)—

3 (i) by redesignating subparagraphs
 4 (A), (B), and (C), as paragraphs (1), (2),
 5 and (3), respectively; and

6 (ii) in paragraph (2) (as so redesign-
 7 nated), by redesignating clauses (i) and (ii)
 8 as subparagraphs (A) and (B), respec-
 9 tively; and

10 (F) in subsection (e) (as redesignated by
 11 subparagraph (D)), by redesignating subpara-
 12 graphs (A), (B), and (C), as paragraphs (1),
 13 (2), and (3), respectively.

14 (3) MEASURES TO PROTECT THE IDENTITIES
 15 OF COVERT AGENTS.—Title VI of the National Secu-
 16 rity Act of 1947 (50 U.S.C. 421 et seq.) is amend-
 17 ed—

18 (A) by striking section 603; and

19 (B) by redesignating sections 604, 605,
 20 and 606 as sections 603, 604, and 605, respec-
 21 tively.

22 (b) MODIFICATION OF REPORTING REQUIRE-
 23 MENTS.—

24 (1) INTELLIGENCE ADVISORY COMMITTEES.—

25 Section 410(b) of the Intelligence Authorization Act

1 for Fiscal Year 2010 (Public Law 111–259; 124
2 Stat. 2725) is amended to read as follows:

3 “(b) NOTIFICATION OF ESTABLISHMENT OF ADVI-
4 SORY COMMITTEE.—The Director of National Intelligence
5 and the Director of the Central Intelligence Agency shall
6 each notify the congressional intelligence committees each
7 time each such Director creates an advisory committee.
8 Each notification shall include—

9 “(1) a description of such advisory committee,
10 including the subject matter of such committee;

11 “(2) a list of members of such advisory com-
12 mittee; and

13 “(3) in the case of an advisory committee cre-
14 ated by the Director of National Intelligence, the
15 reasons for a determination by the Director under
16 section 4(b)(3) of the Federal Advisory Committee
17 Act (5 U.S.C. App.) that an advisory committee can-
18 not comply with the requirements of such Act.”.

19 (2) CUSTOMER FEEDBACK ON DEPARTMENT OF
20 HOMELAND SECURITY INTELLIGENCE REPORTING.—
21 Section 210A(g)(2) of the Homeland Security Act of
22 2002 (6 U.S.C. 124h) is amended—

23 (A) by inserting “and the Select Com-
24 mittee on Intelligence” after “Committee on

1 Homeland Security and Governmental Affairs”;
2 and

3 (B) by inserting “and the Permanent Se-
4 lect Committee on Intelligence” after “and the
5 Committee on Homeland Security”.

6 (3) INTELLIGENCE INFORMATION SHARING.—
7 Section 102A(g)(4) of the National Security Act of
8 1947 (50 U.S.C. 403–1(g)(4)) is amended to read as
9 follows:

10 “(4) The Director of National Intelligence shall, in
11 a timely manner, report to Congress any statute, regula-
12 tion, policy, or practice that the Director believes impedes
13 the ability of the Director to fully and effectively ensure
14 maximum availability of access to intelligence information
15 within the intelligence community consistent with the pro-
16 tection of the national security of the United States.”.

17 (c) CONFORMING AMENDMENTS.—

18 (1) REPORT SUBMISSION DATES.—Section 507
19 of the National Security Act of 1947 (50 U.S.C.
20 415b) is amended—

21 (A) in subsection (a)—

22 (i) by striking “(1) The date” and in-
23 serting “The date”;

24 (ii) in the matter preceding subpara-
25 graph (A), by striking “subsection

1 (c)(1)(A)” and inserting “subsection
2 (c)(1)”;

3 (iii) by striking paragraph (2);

4 (iv) by striking subparagraphs (A)
5 and (C);

6 (v) in subparagraph (G), by striking
7 “114(c)” and inserting “114”; and

8 (vi) by redesignating subparagraphs
9 (B), (D), (E), (F), (G), (H), and (I), as
10 paragraphs (1), (2), (3), (4), (5), (6), and
11 (7), respectively; and

12 (B) in subsection (c)(1)—

13 (i) by striking “(A) Except as pro-
14 vided” and inserting “Except as provided”;
15 and

16 (ii) by striking subparagraph (B).

17 (2) TABLE OF CONTENTS OF THE NATIONAL
18 SECURITY ACT OF 1947.—The table of contents in
19 the first section of the National Security Act of
20 1947 is amended—

21 (A) by striking the item relating to section
22 114 and inserting the following new item:

“Sec. 114. Annual report on hiring and retention of minority employees.”;

23 and

1 (B) by striking the items relating to sec-
 2 tions 603, 604, 605, and 606 and inserting the
 3 following new items:

“Sec. 603. Extraterritorial jurisdiction.

“Sec. 604. Providing information to Congress.

“Sec. 605. Definitions.”.

4 **SEC. 306. SUBCONTRACTOR NOTIFICATION PROCESS.**

5 Not later than October 1, 2013, the Director of Na-
 6 tional Intelligence shall submit to the congressional intel-
 7 ligence committees a report assessing the method by which
 8 contractors at any tier under a contract entered into with
 9 an element of the intelligence community are granted se-
 10 curity clearances and notified of classified contracting op-
 11 portunities within the Federal Government and rec-
 12 ommendations for the improvement of such method. Such
 13 report shall include—

14 (1) an assessment of the current method by
 15 which contractors at any tier under a contract en-
 16 tered into with an element of the intelligence com-
 17 munity are notified of classified contracting opportu-
 18 nities;

19 (2) an assessment of any problems that may re-
 20 duce the overall effectiveness of the ability of the in-
 21 telligence community to identify appropriate contrac-
 22 tors at any tier under such a contract;

23 (3) an assessment of the role the existing secu-
 24 rity clearance process has in enhancing or hindering

1 the ability of the intelligence community to notify
2 such contractors of contracting opportunities;

3 (4) an assessment of the role the current secu-
4 rity clearance process in enhancing or hindering the
5 ability of contractors at any tier under a contract
6 entered into with an element of the intelligence com-
7 munity to execute classified contracts;

8 (5) a description of the method used by the Di-
9 rector of National Intelligence for assessing the ef-
10 fectiveness of the notification process of the intel-
11 ligence community to produce a talented pool of sub-
12 contractors;

13 (6) a description of appropriate goals, sched-
14 ules, milestones, or metrics used to measure the ef-
15 fectiveness of such notification process; and

16 (7) recommendations for improving such notifi-
17 cation process.

18 **SEC. 307. REPORT ON CONSEQUENCES OF MILITARY**
19 **STRIKE AGAINST IRAN.**

20 Not later than 60 days after the date of the enact-
21 ment of this Act, the Director of National Intelligence
22 shall submit to the congressional intelligence committees
23 a report containing an assessment of the consequences of
24 a military strike against Iran.

1 **SEC. 308. SENSE OF CONGRESS ON THE CONSIDERATION**
2 **OF FOREIGN LANGUAGES AND CULTURES IN**
3 **THE DEVELOPMENT OF CYBER TOOLS BY**
4 **THE INTELLIGENCE COMMUNITY.**

5 It is the sense of Congress that the head of each ele-
6 ment of the intelligence community should take into con-
7 sideration foreign languages and cultures during the devel-
8 opment by such element of the intelligence community of
9 training, tools, and methodologies to protect the networks
10 of the United States against cyber attacks and intrusions
11 from foreign entities.

12 **TITLE IV—MATTERS RELATING**
13 **TO ELEMENTS OF THE INTEL-**
14 **LIGENCE COMMUNITY**

15 **SEC. 401. AUTHORITIES OF THE INSPECTOR GENERAL FOR**
16 **THE CENTRAL INTELLIGENCE AGENCY.**

17 Section 17(e)(7) of the Central Intelligence Agency
18 Act of 1949 (50 U.S.C. 403q(e)(7)) is amended—

19 (1) by striking “Subject to applicable law” and
20 inserting “(A) Subject to applicable law”; and

21 (2) by adding at the end the following new sub-
22 paragraph:

23 “(B)(i) The Inspector General may designate an offi-
24 cer or employee appointed in accordance with subpara-
25 graph (A) as a law enforcement officer solely for purposes
26 of subchapter III of chapter 83 or chapter 84 of title 5,

1 United States Code, if such officer or employee is ap-
2 pointed to a position in which the duty is to investigate
3 suspected offenses against the criminal laws of the United
4 States.

5 “(ii) In carrying out clause (i), the Inspector General
6 shall ensure that any authority under such clause is exer-
7 cised in a manner consistent with the provisions of section
8 3307 of title 5, United States Code, as they relate to law
9 enforcement officers.

10 “(iii) For purposes of applying sections 3307(d),
11 8335(b), and 8425(b) of title 5, United States Code, the
12 Inspector General may exercise the functions, powers, and
13 duties of an agency head or appointing authority with re-
14 spect to the Office.”.

15 **SEC. 402. INTELLIGENCE COMMUNITY ASSISTANCE TO**
16 **COUNTER DRUG TRAFFICKING ORGANIZA-**
17 **TIONS USING PUBLIC LANDS.**

18 Section 401(b) of the Intelligence Authorization Act
19 for Fiscal Year 2012 (Public Law 112–87; 125 Stat.
20 1887) is amended in the matter preceding paragraph
21 (1)—

22 (1) by inserting “and annually thereafter,”
23 after “Not later than 180 days after the date of the
24 enactment of this Act,”;

1 (2) by striking “submit to” and inserting “in-
2 form”;

3 (3) by striking “a report on the results” and in-
4 serting “of the results”; and

5 (4) by striking “Such report” and inserting
6 “Information provided under this subsection”.

7 **SEC. 403. INTELLIGENCE SHARING WITH MEXICO AND CAN-**
8 **ADA.**

9 (a) **AUTHORIZATION.**—The Director of National In-
10 telligence may—

11 (1) if the Director determines that the sharing
12 of intelligence information with Mexico and Canada
13 for purposes of reducing drug trafficking would not
14 threaten national security, allow the sharing of such
15 intelligence information with Mexico and Canada;
16 and

17 (2) make use of intelligence information from
18 Mexico and Canada for such purposes.

19 (b) **TYPE OF INFORMATION.**—Information shared or
20 used under subsection (a) may include the movements of
21 drug cartels and other criminal behavior.

1 **SEC. 404. CIVIL LIBERTIES PROTECTION OFFICER REVIEW**
2 **OF CYBERSECURITY POLICIES, PROGRAMS,**
3 **AND ACTIVITIES.**

4 Section 103D(b) of the National Security Act of 1947
5 (50 U.S.C. 403–3d(b)) is amended—

6 (1) in paragraph (6), by striking “and” at the
7 end;

8 (2) by redesignating paragraph (7) as para-
9 graph (8); and

10 (3) by inserting after paragraph (6) the fol-
11 lowing new paragraph:

12 “(7) ensure that any coordination and training
13 between an element of the intelligence community
14 and a law enforcement agency does not violate the
15 Constitutional rights of racial or ethnic minorities;
16 and”.

17 **SEC. 405. SENSE OF CONGRESS ON HIRING OF MINORITY**
18 **EMPLOYEES BY THE CENTRAL INTEL-**
19 **LIGENCE AGENCY.**

20 It is the sense of Congress that the Director of the
21 Central Intelligence Agency should take such actions as
22 the Director considers necessary to increase the recruit-
23 ment and training of ethnic minorities as officers and em-
24 ployees of the Central Intelligence Agency.

1 **TITLE V—OTHER MATTERS**

2 **SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE**
3 **REVIEW OF THE RESEARCH AND DEVELOP-**
4 **MENT PROGRAMS OF THE UNITED STATES IN-**
5 **TELLIGENCE COMMUNITY.**

6 Section 1007 of the Intelligence Authorization Act for
7 Fiscal Year 2003 (Public Law 107–306; 50 U.S.C. 401
8 note) is amended by striking “Not later than one year
9 after the date on which all members of the Commission
10 are appointed pursuant to section 701(a)(3) of the Intel-
11 ligence Authorization Act for Fiscal Year 2010” and in-
12 serting “Not later than March 31, 2013”.

13 **SEC. 502. SENSE OF CONGRESS ON THE NEED FOR THE IN-**
14 **TELLIGENCE COMMUNITY TO PROTECT CIVIL**
15 **LIBERTIES OF RELIGIOUS AND ETHNIC MI-**
16 **NORITIES.**

17 It is the sense of Congress that the intelligence com-
18 munity should take all appropriate actions necessary to
19 protect the civil liberties of religious and ethnic minorities.

20 **SEC. 503. PROTECTING THE INFORMATION TECHNOLOGY**
21 **SUPPLY CHAIN OF THE UNITED STATES.**

22 (a) REPORT.—Not later than 90 days after the date
23 of the enactment of this Act, the Director of National In-
24 telligence shall submit to the congressional intelligence
25 committees a report that—

1 (1) identifies foreign suppliers of information
2 technology (including equipment, software, and serv-
3 ices) that are linked directly or indirectly to a for-
4 eign government, including—

5 (A) by ties to the military forces of a for-
6 eign government;

7 (B) by ties to the intelligence services of a
8 foreign government; or

9 (C) by being the beneficiaries of significant
10 low interest or no interest loans, loan forgive-
11 ness, or other support by a foreign government;

12 (2) assesses the vulnerability to malicious activ-
13 ity, including cyber crime or espionage, of the tele-
14 communications networks of the United States due
15 to the presence of technology produced by suppliers
16 identified under paragraph (1).

17 (b) FORM.—The report required under subsection (a)
18 shall be submitted in unclassified form, but may include
19 a classified annex.

20 (c) TELECOMMUNICATIONS NETWORKS OF THE
21 UNITED STATES DEFINED.—In this section, the term
22 “telecommunications networks of the United States” in-
23 cludes—

24 (1) telephone systems;

25 (2) Internet systems;

- 1 (3) fiber optic lines, including cable landings;
- 2 (4) computer networks; and
- 3 (5) smart grid technology under development by
- 4 the Department of Energy.

5 **SEC. 504. TECHNICAL AMENDMENT TO TITLE 5, UNITED**
6 **STATES CODE.**

7 Section 3132(a)(1)(B) of title 5, United States Code,
8 is amended by inserting “, the Office of the Director of
9 National Intelligence” after “the Central Intelligence
10 Agency”.

11 **SEC. 505. TECHNICAL AMENDMENT TO THE NATIONAL SE-**
12 **CURITY ACT OF 1947.**

13 Section 605 of the National Security Act of 1947 (50
14 U.S.C. 426) (as redesignated by section 305 of this Act)
15 is amended—

16 (1) in paragraph (4)—

17 (A) in subparagraph (A), by striking “in-

18 telligence agency” each place it appears and in-

19 serting “element of the intelligence commu-

20 nity”;

21 (B) in subparagraph (B)(i), by striking

22 “intelligence agency” and inserting “element of

23 the intelligence community”; and

1 (C) in subparagraph (C), by striking “in-
2 telligence agency” and inserting “element of the
3 intelligence community”;
4 (2) by striking paragraph (5);
5 (3) by redesignating paragraphs (6) through
6 (10) as paragraphs (5) through (9), respectively;
7 and
8 (4) in paragraph (5) (as so redesignated), by
9 striking “intelligence agency” and inserting “ele-
10 ment of the intelligence community”.

Passed the House of Representatives May 31, 2012.

Attest:

Clerk.

112TH CONGRESS
2^D SESSION

H. R. 5743

AN ACT

To authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.